

SEAMEN

28 Sept. 53

Seamen are admitted to the United States under the provisions of P. L. 414 (The Immigration and Nationality Act) Section 101(a)15(d), 212(a)3, 212(d)5, 252, and 253. The provisions for the examination and entry of seamen are covered by Sections 251 to 257 inclusive.

"No alien crewman shall be permitted to land temporarily in the United States except as provided in this section,....."(252(a)) except after approval by the Attorney General of a recommendation of the Secretary of State or the Consular Officer that the alien be admitted temporarily despite his inadmissibility (Sec. 212(d)3). In some cases the Attorney General may in his discretion parole seamen into the United States in the public interest (Sec. 212(d)5) or for hospital treatment for certain diseases (Sec. 253).

"If an immigration officer finds upon examination that a crewman ....."(252(a)) is admissible under immigration laws, he may in his discretion grant the crewman a conditional permit to land temporarily while the vessel is in port or permit him to land and obtain another vessel provided he departs within 29 days in either case.

The immigration officer may in his discretion order the master of a vessel to detain a seaman on board the vessel. The failure of the master to so detain a seaman may subject him to a fine of \$1,000 for each alien (Sec. 254(a)). Any alien who willfully remains in the United States longer than permitted shall be guilty of a misdemeanor and may be fined \$500.

In addition to the requirements of the above named sections of law, alien seamen are subject to the excluding provisions of the Immigration law as they apply to aliens in general (Sec. 212).

"The inspection, other than the physical and mental examination, of aliens (including alien crewmen) seeking admission or readmission to or the privilege of passing through the United States, shall be conducted by immigration officers, except as otherwise provided in regard to special inquiry officers. All aliens arriving at ports of the United States shall be examined by one or more immigration officers at the discretion of the Attorney General and under such regulations as he may prescribe." (Sec. 235).

From the foregoing, it may be observed the admission of a seaman is a matter of discretion with the examining immigration officer. It is therefore necessary for the seamen to satisfy the immigration officer that he meets all the requirements as to admissibility under immigration law.

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The usual procedure for inspecting passengers and seamen aboard an arriving vessel varies in different ports of the United States and even in one port it varies with the type and size of the crew and passenger list. The quarantine station in New York Harbor is on an island about 1½ hours travel time from the piers in New York. All vessels are boarded by Public Health Doctors upon arrival at Quarantine and no one can leave the vessel until the Doctor has found it clear of contagious disease. After the medical clearance the vessel is boarded by Immigration and Customs officers to be inspected by them.

Vessels with very small crews (15-20) are inspected at the quarantine station by officers stationed there. Vessels with very large passenger lists and large crews are boarded by groups of officers who start working at the quarantine station and continue with the vessel to the pier. These groups may board the vessel at 6:00 a.m. and continue at the pier until late at night if the vessel is a very large one. These special groups of officers are put aboard by Coast Guard Cutters operating out of lower Manhattan.

Other vessels with medium sized crews and passenger lists are boarded after they reach the piers. The Captains of vessels are required to present crew lists containing the names of all seamen on board the vessel and may be fined \$10.00 for each name omitted. It is the duty of the Captain to detain seamen (and passengers) aboard the vessel until the Immigration Officer has completed his inspection and to detain any seamen on board if ordered to do so by the Immigration Officer. Failure to detain in either case may subject the Captain, the owner or the Agent to a fine of \$1,000.

The Captain is also required to furnish the Immigration with a list of seamen departing with the vessel and a separate report of seamen who did not depart if they arrived on the vessel. This includes a description and other information to assist in his apprehension. If the seaman was granted shore leave by the Immigration Officer, no fine is applicable.

To summarize the admission or exclusion of seamen depends entirely upon the Immigration Officer being convinced the seaman is what he represents himself to be and that he is admissible under all immigration laws.